IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 36 OF 2005
IN
LETTERS PATENT APPEAL NO. 3705 OF 2005
IN
WRIT PETITION NO. 371 OF 2002

The State of Maharashtra .... Applicant.
V/s
D.D. Jagtap..... . .. . Respondent

Mr.A.P. Vanarse with Mr.S.R. Nargolkar, AGP for the applicant.

None for the respondents.

CORAM: V.G. PALSHIKAR
AND
D.B. BHOSALE, JJ.
21.10.2005.

PC:

Request for adjournment is rejected.

Heard Shri Vanarse on merits.

The impugned order passed is under Article 227 of the Constitution of India. Appeal against such order is not tenable under clause 15 of Letters Patent Appeal. Mere mention of Article 226 cannot create a right in the litigant to choose the Forum or create a right to an appeal. Hence appeal is dismissed.

21.10.05